

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Case No.: 3:19-cv-00748-RCJ-CSD

DELTA SALOON, INC.,

Plaintiff

v.

AMERIGAS PROPANE, INC., et al.,

Defendants

**Order**

Re: ECF No. 97

Plaintiff Delta Saloon, Inc. has filed a motion regarding a discovery dispute pursuant to the court's Civil Standing Order. (ECF No. 97.) Delta Saloon asks the court to compel defendant AmeriGas to respond to interrogatories and requests for production of documents concerning a settlement reached by AmeriGas with Delta Saloon's insurer, Scottsdale Insurance Company (Scottsdale). AmeriGas filed a response. (ECF No. 99.)

This action concerns an explosion that damaged the Delta Saloon in Virginia City, which Delta Saloon attributes to AmeriGas. Delta Saloon made a property damage claim under its insurance policy with Scottsdale, and Scottsdale paid Delta Saloon the full limits of its policy in the amount of \$2.2 million. It is undisputed that Scottsdale held subrogation rights that entitled it to seek reimbursement of the \$2.2 million paid under the policy. As such, Scottsdale intervened in the action and brought a claim against AmeriGas for the \$2.2 million payment. Scottsdale and AmeriGas subsequently entered into a settlement concerning Scottsdale's claim.

Delta Saloon maintains this information is relevant to AmeriGas' affirmative defense that it is entitled to an offset. Delta Saloon's position is that if AmeriGas is entitled to an offset, it is, at most, the settlement amount and not the full \$2.2 million policy limits paid to Delta Saloon.

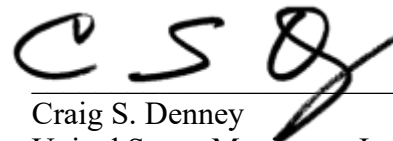
1 While AmeriGas' response to Delta Saloon's meet and confer letter on this issue  
2 represents that it is not seeking an offset, AmeriGas now takes the position in its response to this  
3 motion that it is entitled to an offset for the full \$2.2 million claims payment made to Delta  
4 Saloon by Scottsdale.

5 Neither party fully addresses, citing legal authority, whether (assuming AmeriGas is  
6 entitled an offset) AmeriGas is entitled to an offset in the amount of the full \$2.2 million paid by  
7 Scottsdale to Delta Saloon under the policy, or in the amount of the settlement between  
8 AmeriGas and Scottsdale.

9 AmeriGas shall file a supplemental response on or before **April 7, 2023**, addressing only  
10 this issue. The supplemental response is limited to **5 pages**. Delta Saloon has until **April 14,**  
11 **2023**, to file a reply addressing the arguments raised in both AmeriGas' response and  
12 supplemental response to Delta Saloon's motion. The reply brief is also limited to **5 pages**. At  
13 that point, the court will determine whether a hearing is necessary.

14 **IT IS SO ORDERED.**

15 Dated: March 31, 2023

16   
17 Craig S. Denney  
18 United States Magistrate Judge